

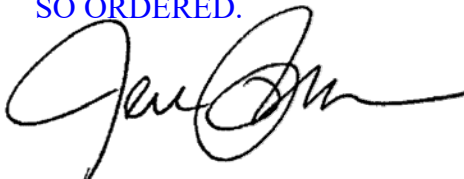
March 16, 2023

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 392.

Via ECF

Honorable Jesse Furman
United States District Judge
Southern District of New York
40 Centre Street, Room 2202
New York, New York 10007

SO ORDERED.



March 17, 2023

Re: *City of Philadelphia, et al. v. Bank of Am. Corp., et al.*, 19-cv-1608 (JMF)

Dear Judge Furman:

Pursuant to Rule 7 of the Court's Individual Rules and Practices in Civil Cases, and the Stipulation and Order Regarding Redaction and Sealing Process for Class Certification Briefing (Dkt. No. 358), Defendants, on behalf of all parties, hereby seek leave to file by ECF, Defendants' Joint Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification, Defendants' Motion to Exclude Expert Testimony, and supporting document (the "Opposition Papers") (Dkt. Nos. 386-391) with certain confidential documents and information sealed or redacted.¹ An index listing all material that the parties seek to file in redacted form or under seal is attached as Exhibit 1. The parties have met and conferred regarding each's proposed redactions and documents to be filed under seal, and no party opposes the requests of any other party.

The parties' respective justifications for sealing or redacting those materials under *Lugosh v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006), and its progeny, are set forth below. While the parties acknowledge that the materials to be redacted or sealed are judicial documents to which the presumption of public access attaches, they believe that in balancing the competing considerations against the presumption of access, the Court should grant the parties' motion.

Defendants' information. Defendants have substantially narrowed the scope of their confidentiality designations with respect to Defendants' discovery material previously designated as Confidential or Highly Confidential and filed, quoted from, or referenced in the Opposition Papers. The materials that Defendants wish to keep confidential and have filed in redacted form or under seal are documents and testimony that discuss specific and sensitive

¹ Defendants' Joint Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification, along with the supporting Declaration of Brandon Gould ("Gould Declaration") and exhibits, were filed on February 9, 2023, with restricted access. Dkt. Nos. 390-391. Included as exhibits to the Gould Declaration were the Expert Report of John Chalmers ("Chalmers Report") (Dkt. No. 391-1) and the Expert Report of Glenn Hubbard ("Hubbard Report") (Dkt. No. 391-2). Defendants' Motion to Exclude Expert Testimony, including the Memorandum of Law in Support of Defendant's Motion to Exclude Expert Testimony, and the supporting Declaration of S. Conrad Scott ("Scott Declaration") were also filed on February 9, 2023, with restricted access.

information related to Defendants' rate-setting processes, handling of VRDO inventory and inventory limits, and handling of bonds unable to be remarketed, among other items.

Filing these materials in redacted or sealed form is consistent with the standards for sealing in the Second Circuit. Courts in the Second Circuit and the Southern District of New York have held that it is appropriate to seal commercially sensitive "business information that might harm a litigant's competitive standing." *New York v. Actavis, PLC*, No. 14-CV-7473 (RWS), 2014 WL 5353774, at *3 (S.D.N.Y. Oct. 21, 2014); *see also City of Providence v. BATS Glob. Markets, Inc.*, No. 14-CV-2811 (JMF), 2022 WL 539438, at *2 (S.D.N.Y. Feb. 23, 2022) (allowing for sealing of documents based on potential harm to competitive standing). In order to avoid creating a competitive disadvantage for a litigant, courts regularly allow the sealing of commercially sensitive information, including "trade secrets, confidential research and development information, marketing plans, revenue information, pricing information, and the like." *Tyson Foods, Inc. v. Keystone Foods Holdings, Ltd.*, No. 1:19-CV-010125 (ALC), 2020 WL 5819864, at *2 (S.D.N.Y. Sept. 30, 2020).

The documents and testimony Defendants wish to keep confidential fall within the scope of confidential and sensitive commercial information that should be sealed. These documents include:

- Documents and testimony (and descriptions of the same) related to Defendants' pricing methodologies that provide specific information about analysis conducted and inputs used to determine Defendants' rates, and other specific processes related to rate-setting. *See* Dkt. No. 389 at nn.7, 12, p. 23; Dkt. No. 388-1 at 136:2-12, 136:18-137:5, 207:6-7; Dkt. No. 388-7 at 29:20-30:5, 30:13-20; Dkt. No. 388-8 at pp. 2-3; Dkt. No. 388-10 at 37:5-38:17; Dkt. No. 388-14 at 60:25-63:25, 78:16-80:14; Dkt. No. 388-15 at 49:15-50:17; Dkt. No. 388-16 at 75:13-76:3; Dkt. No. 388-19 at 114:16-116:25; Dkt. No. 388-20 at 138:19-139:25; Dkt. No. 388-22 at pp. 2-3; Dkt. No. 388-23 at p. 1; Dkt. No. 390 at pp. 5-6 & n. 8; Dkt. No. 391-1 at p. 12 n.34, p. 16 & n.47, p. 28 n.99, p.48 n.177; Dkt. No. 391-2 at p. 60 n.170, p. 81-82 nn. 236, 240, 244, pp. 90-103 & nn. 275-77, 280-85, 287-88, 290, 295-298, 300, 314, 318-21, 323, 325-26, 331-32, 334, 336-37, 339-40, p. 106 n.349, p. 107 n.360, p. 130, p. 159 n.455, p. 192 n.536, pp. 194-95 nn.544, 548, p. .224 n.597; Dkt. No. 391-3 at 49:15-50:17, 54:5-55:9; Dkt. No. 391-6 at pp. 2-5; Dkt. No. 391-7 at 44:24-53:7; Dkt. No. 391-8 at pp. 2-3; Dkt. No. 391-9 at 99:19-101:16; Dkt. No. 391-12 at 84:12-85:17, 85:22-25, 86:11-25, 141:25-142:10; Dkt. No. 391-13 at 72:15-78:14, 80:12-83:17, 114:2-117:24, 146:2-148:24; Dkt. No. 391-15; Dkt. No. 391-17 at 87:2-90:6, 178:7-179:6; Dkt. No. 391-18 at pp. 2-7; Dkt. No. 391-19 at 72:8-12, 86:12-88:17, 94:23-24, Dkt. No. 391-20 at 165:2-168:12; Dkt. No. 391-21 at 45:6-46:12, 192:6-193:16; Dkt. No. 391-22 at 63:2-64:16, 65:8-12, 72:15-24, 200:9-10, 200:23-24, 201:13-202:14, Dkt. No. 391-23 at 248:23-251:25, 274:2-280:25; Dkt. No. 391-24 at 97:2-99:23, 114:13-116:25, Dkt. No. 391-25 at 135:19-22; Dkt. No. 391-26 at p. 1; Dkt. No. 391-27 at pp. 2-3; Dkt. No. 391-29; Dkt. No. 391-30 at 147:12-150:25; Dkt. No. 391-31 at 53:2-22, 54:2-55:3, 55:5-18, 55:24-56:12, 56:16-20, 57:8-10, 57:17-25; Dkt. No. 391-32 at 35:12-36:22; Dkt. No. 391-35 at 95:3-18; Dkt. No. 391-36 at 57:2-10, 58:23-59:5, 59:23-60:3; Dkt. No. 391-40 at 97:17-98:17, 99:8-100:23; Dkt. No. 391-41 at 56:10-59:8; Dkt. No. 391-83 at 29:12-30:13; Dkt. No. 391-84 at p. 3; Dkt. No. 391-85 at pp. 1-2; Dkt. No.

391-87 at pp. 2-6. Disclosure of this information would allow competitors to essentially re-create portions of Defendants' proprietary pricing methodologies and rate-setting processes. While some of these materials may be from before 2010, similar or identical processes are still in place today

- Testimony related to Defendants' handling of bonds they were unable to remarket. *See* Dkt. No. 391-78 at 183:4-10. Disclosure of this information would allow competitors to strategically market their handling of similar circumstances against Defendants' practices.
- Documents and testimony (and descriptions of same) related to Defendants' tracking of VRDO inventory, inventory levels on specific CUSIPs, handling of inventory, and inventory limits. *See* Dkt. No. 388-10 at 109:19-110:7; Dkt. No. 388-15 at 96:5-25; Dkt. No. 391-1 at p. 50, pp. 133-35 & nn. 473, 477, 480, 484, p. 140, p. 142 & n.516, pp. 146-47 & nn. 538-40, pp. 152, 158, 168, 171-72, Appendix D: Exhibits 39, 41, 42, 45, 53; Dkt. No. 391-2 at p. 256 nn. 652, 654-55, p. 257 n.658, pp. 260-61 & nn.662, 665, pp. 263-64 & nn. 672, pp. 267-68 & nn. 679-80, 682-83, pp. 270-71 & nn.688, pp. 691-92; Dkt. No. 391-42 at 28:9-29:4; Dkt. No. 391-78 at 183:4-10, 184:6-186:24. Disclosure of this information would allow competitors to evaluate Defendants' specific risk limits and inventory systems, and to adjust their processes to compete against Defendants accordingly.
- Documents and testimony (and descriptions of same) related to comparisons of Defendants' rates to competitors, client development strategies, and positioning in the market. *See* Dkt. No. 388-20 at 137:4-138:13; Dkt. No. 391-2 at pp. 39-41 nn.116, 118, p. 46 n.133, pp. 47-48 nn.137, 138, p. 162 n.467; Dkt. No. 391-77 at 124:21-25. Disclosure of these materials could allow competitors to strategically position themselves against Defendants, to the competitive detriment of Defendants.
- Documents and testimony (and descriptions of same) related to remarketing fees charged by Defendants. *See* Dkt. No. 391-2 at p. 47 n.138; Dkt. No. 391-19 at 115:2-14. Disclosure of this information could allow competitors to strategically position themselves against Defendants, to the competitive detriment of Defendants.
- Documents and testimony (and descriptions of the same) related to costs associated with carrying VRDOs on Defendants' books. *See* Dkt. No. 388-22 at p. 2; Dkt. No. 391-2 at p. 61 n.174; Dkt. No. 391-6 at p. 3; Dkt. No. 391-8 at p. 2; Dkt. No. 391-78 at 184:6-19, 185:3-186:24. Similar to the materials discussed above, disclosure of these materials could allow competitors to position themselves favorably against Defendants in the market.
- Documents and testimony (and descriptions of the same) related to internal strategy and presentations, and compliance decisions and procedures of Defendants. *See* Dkt. No. 388-11 at 19:21-20:16; Dkt. No. 388-18 at 28:9-29:5; Dkt. No. 391-2 at p. 155 nn. 444-45, p. 239 n.623, p. 246 n.639; Dkt. No. 391-24 at 199:7-25, 232:3-235:25. Disclosure of this sensitive strategy and compliance material would allow great access into Defendants' internal decision-making processes, that could be used to Defendant's disadvantage.
- Descriptions and quotes from documents and testimony related to advice provided to clients of Defendants, and Defendants' clients' discussions of proprietary financing strategies. *See* Dkt. No. 391-1 at p. 63 & n.232; Dkt. No. 391-2 at p. 167 n. 482, p. 173 n. 499. Similar to the materials discussed above, disclosure of these materials could allow competitors to position themselves favorably against Defendants in the market.

- Documents and testimony (and descriptions of same) related to government investigations into VRDOs. *See* Dkt. No. 391-2 at p. 143 & n.407; Dkt. No. 391-86; Dkt. No. 391-84 at p. 3; Dkt. No. 391-86 at p. 2. Government regulators have kept these investigations confidential and they have not been publicly disclosed.

Plaintiffs' information. In response to Defendants' extensive citation to, and discussion of, internal financial matters of the Named Plaintiffs found in confidential discovery material, and consistent with the legal authorities cited above, Plaintiffs request the sealing of only certain confidential information in three specific categories:

- Documents and testimony related to the Named Plaintiffs' financial strategies for and performance of VRDO issuances. *See* Dkt. No. 390 at pp. 15-16 & n.20, p. 45 n.54, p. 48 n.62; Dkt. No. 391-1 at p. 8, p. 9 n.23, p. 18 n.55, p. 19 n.62, pp. 20-21 & nn.63-65, 69-70, pp. 23-24 & nn.77-78, 83, p. 32, p. 49 n.177, p. 50 n.179, p. 52 & n.186, p. 54 n.195, p. 62 & n.229, p. 72 n.253, p. 134-35, p. 146, p. 148 n.548, p. 168; Dkt. No. 391-2 at p. 36 n.108, pp. 39-40 n.116, pp. 41-42 & n.120-21, p. 44 n.128, pp. 46-47 & nn.136-37, p. 150 n.428, p. 173 n.497, p. 256 & n.655, p. 260 & n.663, p.261 & n.666, p.263 & n.672, p.270 n.690; Dkt. No. 391-45; Dkt. No. 391-46; Dkt. No. 391-66; and Dkt. No. 391-69.
- Documents and testimony related to the Named Plaintiffs' entry into interest rate swaps, including the confidentially negotiated economic terms thereof. *See* Dkt. No. 390 at p. 35, p. 36 n.34, p. 37 & n.37, p. 40 & nn.45-46, p. 41 n.48, p. 42 n.49; Dkt. No. 391-1 at p. 72 n.253, pp. 73-74 & nn.254, 257-58, p. 74 & n.258, p. 75 & nn.262-63, pp. 76-81, p. 82 & n.291, p.84 & n.310, p. 85 & n.311, p. 88 & n.322, p. 90 & n.325, p. 91 & n.327, p. 93 & n.339, p. 94 nn.339, 342, p. 96 & n.352, p. 97 & nn.357-59, pp. 98-99 & nn.363-64, 368, p. 100 nn.368, 370-71, p. 101 Ex. 25, pp. 114-15, p. 137, p. 162-63, Appx. D-Ex. 22, Appx. D-Ex. 28 n.1, Appx. D-Ex. 34; Dkt. No. 391-44; Dkt. No. 391-50; Dkt. No. 391-61; Dkt. No. 391-63; Dkt. No. 391-66; Dkt. No. 391-68; and Dkt. No. 391-79.
- Sensitive material in the expert report of Plaintiffs' expert Professor William Schwert, which quantifies the impact of Defendants' alleged artificial inflation of VRDO rates and calculates his initial estimate of class damages therefrom (the same subject matter the Court permitted to be sealed when granting temporarily the Parties' December 1, 2022 joint letter motion to seal that was filed in connection with Plaintiffs' motion for class certification (Dkt. No. 372)). *See* Dkt. No. 390 at p. 18, p. 24; Dkt. No. 391-1 at p. 12, Ex. 1, p. 14 Ex. 2 & n.42, p. 22 Ex. 3, p. 36 & n.132, p. 50, p. 63 Ex. 13, p. 66 & Ex. 15, p. 68 n.244, p. 69, p. 70, pp. 76-84 & Ex. 20-22, p. 86, p. 101 Ex. 25, p. 117 Ex. 36, p. 128, p. 129, p. 130 & n.466, p. 136, p. 138, p. 144 & n.526, p. 148, p. 149, p. 153, p. 154, p. 156, p. 161, p. 166, p. 167, p. 169, p. 179, Appx. D-Exs. 1-3, Appx. D-Ex. 13, Appx. D-Ex. 15, Appx. D-Exs. 20-22, Appx. D-Ex. 36; Dkt. No. 391-2 at p. 7, p. 50, p. 176, p.177, p. 197, p. 203, p. 208, p. 211, p. 213, p. 220, p. 247, p. 248, p. 257 & n.659.

Third party information. Defendants, on behalf of third parties, also request permission to seal or redact, as applicable, certain confidential business and personal information of third parties that is quoted and discussed in the Opposition Papers. The relevant third parties provided such information during discovery pursuant to document and deposition subpoenas, and subject

to the Stipulated Protective Order. Defendants have contacted all relevant third parties to request permission to disclose this information publicly, but in some cases have not received permission from third parties to do so.

Because it could be commercially harmful to the third parties to publicly disclose such information, courts in this District have held that third-party confidential information warrants sealing over public access. *See, e.g., Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 156-57 (S.D.N.Y. 2015) (finding that sensitive personal information of employees and third parties, as well as customer information regarding trading strategies, objectives, and transactions, constitute the “type of information [that] overcomes the presumption of public disclosure”); *see also United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995) (“We have previously held that ‘[t]he privacy interests of innocent third parties . . . should weigh heavily in a court’s balancing equation.’”) (citations omitted). Accordingly, sensitive third-party information has been authorized to be redacted from a motion for class certification. *Valelly v. Merrill Lynch, Pierce, Fenner & Smith Inc.*, 2022 U.S. Dist. LEXIS 140126, at *2-4 (S.D.N.Y. Aug. 4, 2022). To the extent that Defendants receive permission from additional third parties to file these materials publicly, Defendants will notify the Court and modify this request accordingly.

* * *

Accordingly, on behalf of the parties, Defendants respectfully request that the portions of Defendants’ memoranda of law in opposition to class certification and to exclude expert testimony, Defendants’ expert reports, Exhibits 1, 7, 8, 10, 11, 14-16, 18, 19, 20, 22, and 23 to the Scott Declaration, and Exhibits 3, 6-9, 12, 13, 17-27, 29-33, 35, 36, 40-42, 79, 80, and 85-89 to the Gould Declaration, highlighted in green (as indexed in Exhibit 1 hereto) be permitted to be filed in redacted form. All such materials are being filed with this letter-motion in both redacted and highlighted form, in accordance with Rule 7.C.iii of the Court’s Individual Rules and Practices in Civil Cases.²

On behalf of the parties, Defendants respectfully further request that Exhibit 12 to the Scott Declaration and Exhibits 15, 44-46, 50, 57, 62, 64, 67-70, 72, 81, and 90 to the Gould Declaration (as also indexed in Exhibit 1), which were filed under seal on February 9, 2023, be permitted to remain under seal.

Respectfully submitted,

² Defendants’ filings made on February 9, 2023 highlighted in yellow the relevant portions of certain deposition transcripts cited in the Opposition Papers.

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* Signatures used with permission pursuant to S.D.N.Y. ECF Rule 8.5(b).

cc: All counsel of record (via ECF)

Exhibit 1

Document	Request for Redactions or to Seal in Full?	Location of Requested Redactions	Redactions or Sealing Requested By
Memorandum of Law in Support of Defendants' Motion to Exclude Expert Testimony (Dkt. No. 389)	Redactions	Footnote 7	Defendants
		Footnote 9	Defendants o/b/o third parties
		Footnote 10	Defendants
		Page 23	Defendants
Scott Decl., Exhibit 1 (Dkt. No. 388-1)	Redactions	Pages 136-37, 207	Defendants
Scott Decl., Exhibit 7 (Dkt. No. 388-7)	Redactions	Pages 29-30	Defendants
Scott Decl., Exhibit 8 (Dkt. No. 388-8)	Redactions	Pages 2-3	Defendants
Scott Decl., Exhibit 10 (Dkt. No. 388-10)	Redactions	Pages 37-38, 109-110	Defendants
Scott Decl., Exhibit 11 (Dkt. No. 388-11)	Redactions	Pages 19-20	Defendants
Scott Decl., Exhibit 12 (Dkt. No. 388-12)	Seal		Defendants o/b/o third parties
Scott Decl., Exhibit 14 (Dkt. No. 388-14)	Redactions	Pages 60-63, 78-80	Defendants
Scott Decl., Exhibit 15 (Dkt. No. 388-15)	Redactions	Pages 49-50, 96	Defendants
Scott Decl., Exhibit 16 (Dkt. No. 388-16)	Redactions	Pages 75-76	Defendants
Scott Decl., Exhibit 18 (Dkt. No. 388-18)	Redactions	Pages 28-29	Defendants
Scott Decl., Exhibit 19 (Dkt. No. 388-19)	Redactions	Pages 114-16	Defendants
Scott Decl., Exhibit 20 (Dkt. No. 388-20)	Redactions	Pages 137-39	Defendants
Scott Decl., Exhibit 22 (Dkt. No. 388-22)	Redactions	Pages 2-3	Defendants
Scott Decl., Exhibit 23 (Dkt. No. 388-23)	Redactions	Pages 1-2	Defendants
Defendants' Joint Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification (Dkt. No. 390)	Redactions	Pages 5-6 & footnote 8	Defendants
		Pages 15-16 & footnote 20	Plaintiffs
		Page 18	Plaintiffs
		Page 24	Plaintiffs
		Page 35	Plaintiffs
		Footnote 34	Plaintiffs
		Page 37 & footnote 37	Plaintiffs

		Page 40 & footnote 45-46	Plaintiffs
		Footnote 46	Defendants o/b/o third parties
		Footnote 48	Plaintiffs
		Footnote 49	Plaintiffs
		Footnote 54	Plaintiffs
		Footnote 62	Plaintiffs
		Footnote 53	Defendants o/b/o third parties
		Footnote 62	Defendants o/b/o third parties
Declaration of Brandon Gould	Redactions	Pages 5-7	Defendants o/b/o third parties
Expert Report of John Chalmers (Dkt. No. 391-1)	Redactions	Page 8	Plaintiffs
		Footnote 23	Plaintiffs
		Page 12	Plaintiffs
		Footnote 34	Defendants
		Page 14 & footnote 42	Plaintiffs
		Page 16 & footnote 47	Defendants
		Footnote 55	Plaintiffs
		Page 19 & footnotes 59, 61	Defendants o/b/o third parties
		Footnote 62	Plaintiffs
		Pages 20-21 & footnotes 63-65, 69-70	Plaintiffs
		Page 22	Plaintiffs
		Pages 23-24 & footnotes 77-78, 83	Plaintiffs
		Footnotes 79, 80	Defendants o/b/o third parties
		Footnote 99	Defendants
		Page 32	Plaintiffs
		Page 36 and footnote 132	Plaintiffs
		Footnote 151	Defendants o/b/o third parties
		Footnote 177	Defendants (redactions on page 48) Defendants o/b/o third parties (redactions on page 49)

			Plaintiffs
		Footnote 179	Defendants o/b/o third parties and Plaintiffs
		Page 50	Defendants and Plaintiffs
		Page 52 & footnote 186	Plaintiffs
		Footnote 195	Plaintiffs
		Page 62 & footnotes 229, 230	Defendants o/b/o third parties and Plaintiffs
		Page 63 & footnote 232	Defendants and Plaintiffs
		Page 66	Plaintiffs
		Footnote 244	Plaintiffs
		Pages 69-70	Plaintiffs
		Footnote 253	Plaintiffs
		Pages 73-74 & footnotes 254, 257-58	Plaintiffs
		Page 75 & footnotes 262-63	Plaintiffs
		Footnotes 259, 270, 271	Defendants o/b/o third parties
		Pages 76-84	Plaintiffs
		Pages 78-79 & footnotes 277, 284	Defendants o/b/o third parties
		Footnote 289	Defendants o/b/o third parties
		Pages 81-82 & footnotes 291-93	Defendants o/b/o third parties
		Page 82 & footnote 291	Plaintiffs
		Pages 84-86 & footnotes 310-11	Plaintiffs
		Page 87 & footnote 318	Defendants o/b/o third parties
		Page 88 & footnote 322	Plaintiffs
		Page 90 & footnote 325	Plaintiffs
		Page 91 & footnote 327	Plaintiffs
		Pages 91-92 & footnotes 328, 332-33	Defendants o/b/o third parties
		Page 93 & footnote 339	Plaintiffs
		Footnote 339, 342	Plaintiffs
		Pages 96-99 & footnotes 349, 351, 354, 356, 362, 364-65	Defendants o/b/o third parties

		Page 96 & footnote 352	Plaintiffs
		Page 97 & footnotes 357-59	Plaintiffs
		Pages 98-99 & footnotes 363-64, 368	Plaintiffs
		Footnotes 368, 370-71	Plaintiffs
		Footnotes 369, 371	Defendants o/b/o third parties
		Page 101	Plaintiffs
		Pages 102-03 & footnotes 378-79	Defendants o/b/o third parties
		Footnote 397	Defendants o/b/o third parties
		Page 114-15	Plaintiffs
		Page 117	Plaintiffs
		Footnotes 415-16	Defendants o/b/o third parties
		Page 118 & footnote 420	Defendants o/b/o third parties
		Footnote 431	Defendants o/b/o third parties
		Page 127 & footnote 456	Defendants o/b/o third parties
		Pages 128-30 & footnote 466	Plaintiffs
		Page 131 & footnote 467	Defendants o/b/o third parties
		Pages 133-35 & footnotes 473, 477, 481, 484	Defendants and Plaintiffs
		Page 136-38	Plaintiffs
		Footnote 495	Defendants o/b/o third parties
		Page 140	Defendants
		Page 142 & footnote 516	Defendants
		Page 143 & footnote 519	Defendants o/b/o third parties
		Footnote 526	Plaintiffs
		Pages 146-47 & footnotes 538-40	Defendants and Plaintiffs
		Pages 148-49 & footnote 548	Defendants o/b/o third parties and Plaintiffs
		Page 152	Defendants
		Page 153-54	Plaintiffs
		Page 156	Plaintiffs

		Page 158	Defendants
		Page 161-63	Plaintiffs
		Footnote 587	Defendants o/b/o third parties
		Pages 166-67	Plaintiffs
		Page 168	Defendants
		Page 169	Plaintiffs
		Pages 171-72	Defendants
		Pages 175-77 & footnotes 638, 644, 648	Defendants o/b/o third parties
		Page 179	Plaintiffs
		Appendix D, Exhibits 1-3, 13, 15, 20-22, 28 n.1, 34, 36	Plaintiffs
		Appendix D, Exhibits 39, 41, 42, 45, 53	Defendants
Expert Report of Glenn Hubbard (Dkt. No. 391-2)	Redactions	Page 7	Plaintiffs
		Footnote 108	Plaintiffs
		Footnote 116	Defendants and Plaintiffs
		Footnote 117	Defendants o/b/o third parties
		Footnote 118	Defendants
		Pages 41-42 & footnotes 120-21	Plaintiffs
		Footnote 128	Plaintiffs
		Footnote 133	Defendants
		Pages 46-47 & footnotes 136-37	Plaintiffs
		Footnotes 137-38	Defendants
		Page 50	Plaintiffs
		Footnote 174	Defendants
		Footnote 177	Defendants o/b/o third parties
		Footnote 234	Defendants
		Page 81 & footnotes 236, 240	Defendants
		Footnote 244	Defendants
		Pages 90-103 and footnotes 275-77, 280-85, 287-88, 290, 295-298, 300, 314, 318-21, 323, 325-26, 331-32, 334, 336-37, 339-40	Defendants
		Footnote 349	Defendants
		Footnote 360	Defendants

		Page 130	Defendants
		Page 143 & footnote 407	Defendants
		Footnote 428	Plaintiffs
		Footnote 444	Defendants
		Footnote 455	Defendants
		Footnote 467	Defendants
		Footnote 482	Defendants o/b/o third parties
		Footnote 497	Plaintiffs
		Footnote 499	Defendants
		Page 176	Plaintiffs
		Page 177	Plaintiffs
		Footnote 536	Defendants
		Footnote 544	Defendants
		Page 197	Plaintiffs
		Page 203	Plaintiffs
		Page 208	Plaintiffs
		Page 211	Plaintiffs
		Page 213	Plaintiffs
		Page 220	Plaintiffs
		Footnote 623	Defendants
		Footnote 639	Defendants
		Page 247	Plaintiffs
		Page 248	Plaintiffs
		Page 256 & footnotes 652, 654-55	Defendants
		Page 256 & footnote 655	Plaintiffs
		Footnote 658	Defendants
		Page 257 & footnote 659	Plaintiffs
		Pages 260-61 & footnote 662, 665	Defendants
		Page 260 & footnote 663	Plaintiffs
		Page 261 & footnote 666	Plaintiffs
		Pages 263-64 & footnote 672	Defendants and Plaintiffs
		Pages 267-68 & footnotes 679-80, 682-83	Defendants
		Pages 270-71 and footnote 688, 690-92	Defendants and Plaintiffs
Gould Declaration Exhibit 3 (Dkt. No. 391-3)	Redactions	Pages 49-50, 54-55	Defendants
Gould Declaration Exhibit 6 (Dkt. No. 391-6)	Redactions	Pages 2-4	Defendants

Gould Declaration Exhibit 7 (Dkt. No. 391-7)	Redactions	Pages 44-53	Defendants
Gould Declaration Exhibit 8 (Dkt. No. 391-8)	Redactions	Pages 2-3	Defendants
Gould Declaration Exhibit 9 (Dkt. No. 391-9)	Redactions	Pages 99-101	Defendants
Gould Declaration Exhibit 12 (Dkt. No. 391-12)	Redactions	Pages 84-86, 141-42	Defendants
Gould Declaration Exhibit 13 (Dkt. No. 391-13)	Redactions	Pages 72-78, 80-83, 114-17, 146-48	Defendants
Gould Declaration Exhibit 15 (Dkt. No. 391-15)	Seal		Defendants
Gould Declaration Exhibit 17 (Dkt. No. 391-17)	Redactions	Pages 87-90, 178-79	Defendants
Gould Declaration Exhibit 18 (Dkt. No. 391-18)	Redactions	Pages 2-7	Defendants
Gould Declaration Exhibit 19 (Dkt. No. 391-19)	Redactions	Pages 72, 86-88, 94, 115	Defendants
Gould Declaration Exhibit 20 (Dkt. No. 391-20)	Redactions	Pages 165-68	Defendants
Gould Declaration Exhibit 21 (Dkt. No. 391-21)	Redactions	Pages 45-46, 192-93	Defendants
Gould Declaration Exhibit 22 (Dkt. No. 391-22)	Redactions	Pages 63-65, 72, 200-02	Defendants
Gould Declaration Exhibit 23 (Dkt. No. 391-23)	Redactions	Pages 248-51, 274-80	Defendants
Gould Declaration Exhibit 24 (Dkt. No. 391-24)	Redactions	Pages 97-99, 114-16, 199, 232-235	Defendants
Gould Declaration Exhibit 25 (Dkt. No. 391-25)	Redactions	Page 135	Defendants

Gould Declaration Exhibit 26 (Dkt. No. 391-26)	Redactions	Pages 1-2	Defendants
Gould Declaration Exhibit 27 (Dkt. No. 391-27)	Redactions	Pages 2-3	Defendants
Gould Declaration Exhibit 29 (Dkt. No. 391-29)	Redactions		Defendants
Gould Declaration Exhibit 30 (Dkt. No. 391-30)	Redactions	Pages 147-150	Defendants
Gould Declaration Exhibit 31 (Dkt. No. 391-31)	Redactions	Pages 53-57	Defendants
Gould Declaration Exhibit 32 (Dkt. No. 391-32)	Redactions	Pages 35-36	Defendants
Gould Declaration Exhibit 33 (Dkt. No. 391-33)	Redactions	Errata	Defendants
Gould Declaration Exhibit 35 (Dkt. No. 391-35)	Redactions	Page 95	Defendants
Gould Declaration Exhibit 36 (Dkt. No. 391-36)	Redactions	Pages 57-60	Defendants
Gould Declaration Exhibit 40 (Dkt. No. 391-40)	Redactions	Pages 97-100	Defendants
Gould Declaration Exhibit 41 (Dkt. No. 391-41)	Redactions	Pages 56-59	Defendants
Gould Declaration Exhibit 42 (Dkt. No. 391-42)	Redactions	Pages 28-29	Defendants
Gould Declaration Exhibit 44 (Dkt. No. 391-44)	Seal		Plaintiffs
Gould Declaration Exhibit 45 (Dkt. No. 391-45)	Seal		Plaintiffs
Gould Declaration Exhibit 46 (Dkt. No. 391-46)	Seal		Plaintiffs

Gould Declaration Exhibit 50 (Dkt. No. 391-50)	Seal		Plaintiffs
Gould Declaration Exhibit 57 (Dkt. No. 391-56)	Seal		Defendants o/b/o third parties
Gould Declaration Exhibit 62 (Dkt. No. 391-61)	Seal		Plaintiffs
Gould Declaration Exhibit 64 (Dkt. No. 391-63)	Seal		Defendants o/b/o third parties and Plaintiffs
Gould Declaration Exhibit 67 (Dkt. No. 391-66)	Seal		Plaintiffs
Gould Declaration Exhibit 68 (Dkt. No. 391-67)	Seal		Defendants o/b/o third parties
Gould Declaration Exhibit 69 (Dkt. No. 391-68)	Seal		Plaintiffs
Gould Declaration Exhibit 70 (Dkt. No. 391-69)	Seal		Plaintiffs
Gould Declaration Exhibit 72 (Dkt. No. 391-71)	Seal		Defendants o/b/o third parties
Gould Declaration Exhibit 79 (Dkt. No. 391-77)	Redactions	Page 124	Defendants
Gould Declaration Exhibit 80 (Dkt. No. 391-78)	Redactions	Pages 183-86	Defendants
Gould Declaration Exhibit 81 (Dkt. No. 391-79)	Seal		Plaintiffs
Gould Declaration Exhibit 85 (Dkt. No. 391-83)	Redactions	Pages 29-30	Defendants
Gould Declaration Exhibit 86 (Dkt. No. 391-84)	Redactions	Page 3	Defendants
Gould Declaration Exhibit 87 (Dkt. No. 391-85)	Redactions	Pages 1-2	Defendants

Gould Declaration Exhibit 88 (Dkt. No. 391-86)	Redactions	Page 2	Defendants
Gould Declaration Exhibit 89 (Dkt. No. 391-87)	Redactions	Pages 2-6	Defendants
Gould Declaration Exhibit 90 (Dkt. No. 391-88)	Seal		Defendants o/b/o third parties